

# PATENT COOPERATION TREATY

Sender: INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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## PCT

### NOTIFICATION OF THE TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(Rule 71.1 PCT)

Date of mailing  
(day/month/year) 27.09.2004

Applicant's or Agent's file reference  
P 02/101JS/R

### IMPORTANT COMMUNICATION

International Application No.  
PCT/EP 03/06092

International filing date (day/month/year)  
11.06.2003

Priority date (day/month/year)  
25.06.2002

Applicant

MERCK PATENT GMBH et al.

1. The applicant is informed that the International Preliminary Examining Authority is hereby transmitting to him the International Preliminary Examination Report prepared in connection with the international application, where appropriate with the associated annexes.
2. A copy of the report – where appropriate together with the associated annexes – is being transmitted to the International Office for forwarding to all selected offices.
3. At the request of a selected office, the International Office will prepare a translation of the report (but not the annexes) in English and forward it to this office.

#### 4. REMINDER

For entry into the national phase, the applicant must take certain action (submission of translations and payment of national fees) before each selected office within 30 months from the priority date (or later in some offices) (Article 39(1)) (see also the information provided by the International Office in form PCT/IB/301).

If a selected office requires a translation of the international application, this translation must also contain translations of all annexes to the International Preliminary Examination Report. It is the responsibility of the applicant to prepare such translations and forward them directly to the selected offices in question.

Further details on the relevant deadlines and requirements of the selected offices are given in Volume II of the PCT Guidelines for Applicants.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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